

Claim Listing

The claims are not being amended in this response. Below is a listing of the currently pending claims.

1. (Original) A unit having a stated amount, comprising:

a fixed income security having a maturity date, a principal amount and an interest rate;

and

a forward purchase contract, wherein the fixed income security and the forward purchase contract are separable, wherein the forward purchase contract obligates a holder of the forward purchase contract to purchase a quantity of equity securities from an issuer of the unit for a price equal to the stated amount of the unit no later than a settlement date specified in the forward purchase contract, and wherein the forward purchase contract further obligates the issuer of the unit to pay a purchaser of the unit a forward purchase contract payment at issuance of the unit.

2. (Original) The unit of claim 1, wherein the maturity date of the fixed income security is at least two years after the specified settlement date of the forward purchase contract.

3. (Original) The unit of claim 1, wherein the fixed income security is issued by the issuer of the unit.

4. (Original) The unit of claim 1, wherein the fixed income security is issued by a subsidiary of the issuer of the unit.

5. (Original) The unit of claim 1, wherein the fixed income security is issued by a trust, wherein the issuer has an ownership interest in the trust.

6. (Original) The unit of claim 5, wherein the fixed income security is a trust-preferred security.

7. (Original) The unit of claim 1, wherein the fixed income security is a bond.

8. (Original) The unit of claim 1, wherein the issuer of the unit is not the issuer of the equity securities.

9. (Original) The unit of claim 1, wherein the fixed income security is issued by a parent of the issuer of the unit.

10. (Original) A method, comprising:
issuing a unit having a stated amount, the unit including a fixed income security and a forward purchase contract, wherein the fixed income security and the forward purchase contract are separable;

paying at issuance, by a purchaser of the unit, a principal amount of the fixed income security in exchange for purchase of the unit;

paying at issuance, by an issuer of the unit, a forward purchase contract payment to the purchaser of the unit.

11. (Original) The method of claim 1, wherein the maturity date of the fixed income security of the unit is at least two years after the specified settlement date of the forward purchase contract.

12. (Original) The method of claim 10, further comprising paying interest fee payments on the fixed income security and forward purchase contract adjustment payments to the purchaser after issuance of the unit and prior settlement of the forward purchase contract.

13. (Original) The method of claim 12, further comprising, at settlement, the purchaser of the unit purchasing a quantity of equity securities from the issuer of the unit for a price equal to the stated amount of the unit.

14. (Original) The method of claim 13, wherein the purchaser of the unit purchasing a quantity of equity securities of the issuer includes the purchaser purchasing a quantity of common stock of the issuer.

15. (Original) The method of claim 13, further comprising the purchaser reselling the fixed income security.

16. (Original) The method of claim 15, wherein reselling the fixed income security includes the purchaser reselling the fixed income security prior to the settlement date.

17. (Original) The method of claim 16, wherein the purchaser of the unit purchasing a quantity of equity securities of the issuer includes the purchaser paying the issuer with proceeds from resale of the fixed income security.

18. (Original) The method of claim 10, wherein the fixed income security is a bond.

19. (Original) The method of claim 13, further comprising a subsidiary of the issuer of the unit issuing the fixed income security.

20. (Original) The method of claim 19, further comprising the issuer of the unit guarantying payment obligations of the subsidiary.

21. (Original) The method of claim 13, further comprising a trust issuing the fixed income security, wherein the issuer of the unit has an ownership interest in the trust.

22. (Original) The method of claim 21, further comprising the issuer of the unit guarantying payment obligations of the trust.

23. (Original) The method of claim 21, wherein the fixed income security includes a trust-preferred security.

24. (Original) The method of claim 21, further comprising the trust purchasing a second fixed income security.

25. (Original) The method of claim 21, further comprising the trust purchasing a second fixed income security issued by a subsidiary of the issuer of the unit.

26. (Original) The method of claim 13, further comprising a parent of the issuer of the unit issuing the fixed income security.

27-32. (Canceled)

33. (Previously Presented) A method, comprising pricing a unit for sale to potential investors, wherein the unit includes:

a fixed income security having a maturity date, a principal amount and an interest rate; and

a forward purchase contract, wherein the fixed income security and the forward purchase contract are separable, wherein the forward purchase contract obligates a holder of the forward purchase contract to purchase a quantity of equity securities from an issuer of the unit for a price equal to a stated amount of the unit no later than a settlement date specified in the forward purchase contract, and wherein the forward purchase contract further obligates the issuer of the unit to pay a purchaser of the unit a forward purchase contract payment at issuance of the unit.

34. (Previously Presented) A method, comprising:
issuing, by an issuer, a unit having a stated amount, comprising:
a fixed income security having a maturity date, a principal amount and an interest
rate; and
a forward purchase contract, wherein the fixed income security and the forward
purchase contract are separable, and wherein the forward purchase contract obligates a holder of
the forward purchase contract to purchase a quantity of equity securities from the issuer of the
unit for a price equal to the stated amount of the unit no later than a settlement date specified in
the forward purchase contract; and
paying, by the issuer, a forward purchase contract payment at issuance of the unit to a
purchaser of the unit pursuant to terms of the forward purchase contract.

35. (Previously Presented) The method of claim 34, wherein the maturity date
of the fixed income security is at least two years after the specified settlement date of the forward
purchase contract.

36. (Previously Presented) The method of claim 34, wherein the fixed income
security is issued by the issuer of the unit.

37. (Previously Presented) The method of claim 34, wherein the fixed income
security is issued by a subsidiary of the issuer of the unit.

38. (Previously Presented) The method of claim 34, wherein the fixed income
security is issued by a trust, wherein the issuer has an ownership interest in the trust.

39. (Previously Presented) The method of claim 38, wherein the fixed income security is a trust-preferred security.

40. (Previously Presented) The method of claim 34, wherein the fixed income security is a bond.

41. (Previously Presented) The method of claim 34, wherein the issuer of the unit is not the issuer of the equity securities.

42. (Previously Presented) The method of claim 34, wherein the fixed income security is issued by a parent of the issuer of the unit.

43. (Previously Presented) A method, comprising:
purchasing, by a purchaser, a unit having a stated amount, comprising:
a fixed income security having a maturity date, a principal amount and an interest rate; and

a forward purchase contract, wherein the fixed income security and the forward purchase contract are separable, and wherein the forward purchase contract obligates a holder of the forward purchase contract to purchase a quantity of equity securities from the issuer of the unit for a price equal to the stated amount of the unit no later than a settlement date specified in the forward purchase contract; and

receiving, by the purchaser, a forward purchase contract payment from the issuer at issuance of the unit to a purchaser of the unit pursuant to terms of the forward purchase contract.

44. (Previously Presented) The method of claim 43, wherein the maturity date of the fixed income security is at least two years after the specified settlement date of the forward purchase contract.

45. (Previously Presented) The method of claim 43, wherein the fixed income security is issued by the issuer of the unit.

46. (Previously Presented) The method of claim 43, wherein the fixed income security is issued by a subsidiary of the issuer of the unit.

47. (Previously Presented) The method of claim 43, wherein the fixed income security is issued by a trust, wherein the issuer has an ownership interest in the trust.

48. (Previously Presented) The method of claim 43, wherein the fixed income security is a trust-preferred security.

49. (Previously Presented) The method of claim 43, wherein the fixed income security is a bond.

50. (Previously Presented) The method of claim 43, wherein the issuer of the unit is not the issuer of the equity securities.

51. (Previously Presented) The method of claim 43, wherein the fixed income security is issued by a parent of the issuer of the unit.